

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Sterling D. Brown,
Plaintiff,

v.

Civil Action No. 2:18-cv-922

City of Milwaukee, et al.
Defendants.

DEFENDANT'S MOTION TO STRIKE AFFIRMATIVE DEFENSES

NOW COMES Defendant City of Milwaukee, through undersigned counsel, and hereby moves this Court to strike Affirmative Defenses 5 and 12 that Defendant City of Milwaukee filed in its August, 24, 2018 Answer. (Dkt. No. 28 at 50, ¶¶ 5, 12.) Affirmative Defenses 5 and 12 read:

5. The injuries and damages sustained by the plaintiff, if any, were caused in whole or in part by their own acts or omissions or their failure to mitigate or the acts and omission of persons other than these answering defendants.
12. The injuries and damages sustained by the plaintiff, if any, were caused in whole or in part by their own acts or omissions or their failure to mitigate or the acts and omission of persons other than these answering defendants.

(*Id.*) Defendant City of Milwaukee, recognizes that discovery to date has not supported these Defenses. Accordingly, there is no basis to maintain them in this proceeding. Thus, Defendant City of Milwaukee, respectfully requests that this Court STRIKE Affirmative Defenses 5 and 12.

Plaintiff Sterling Brown has authorized the undersigned to represent to this court that he has no objection to this motion.

Dated at Milwaukee, Wisconsin this 6th day of July, 2021.

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